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5 | Counsel for Defendant ARIAS-ORDONEZ

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 NOE ARIAS-ORDONEZ,  
14 Defendant.  
15 )  
16 ) No. CR 07-0738 MMC  
17 )  
18 ) **STIPULATION AND [PROPOSED]**  
19 ) **ORDER FOR CONTINUANCE OF**  
20 ) **BRIEFING SCHEDULE ON**  
21 ) **MOTION TO DISMISS**  
22 )  
23 ) Hearing Date: May 7, 2008  
24 ) Time: 2:30 p.m.  
25 ) Court: Hon. Maxine M. Chesney  
26 )  
27 )

18 The parties hereby stipulate and ask the Court to order as follows;

- 19 1. Defendant has filed a Motion to Dismiss in the aforementioned matter. Under the current  
20 briefing schedule, defendant's supplemental motion is due April 9, 2008;  
21 2. The issues presented require additional legal research and analysis;  
22 3. Defense counsel thus seeks a one-week continuance of the briefing schedule, and the  
23 government has no opposition to the request. The proposed revised briefing schedule is set  
24 forth below;  
25 4. The parties also jointly agree that time under the Speedy Trial Act has been tolled while the  
26 motion filed by the defendant is under consideration by the Court. *See* 18 U.S.C. §

1 3161(h)(1)(F).

2  
3 **IT IS SO STIPULATED**

4 Dated: April 7, 2008

5 \_\_\_\_\_/S/  
6 OWEN MARTIKAN  
7 Assistant United States Attorney

8 Dated: April 7, 2008

9 \_\_\_\_\_/S/  
ELIZABETH M. FALK  
10 Assistant Federal Public Defender

11 **[PROPOSED] ORDER**

12 For the reasons stated herein, and for good cause shown, the briefing schedule and motion  
13 hearing date previously established by this Court for Defendant's Motion to Dismiss in the  
14 aforementioned case are hereby VACATED. The briefing schedule shall be altered as follows:

15 Motion to Suppress Due: April 16, 2008  
16 Response Due: April 23, 2008  
17 Reply Due: April 30, 2008  
18 Motion Hearing: May 7, 2008 at 2:30 p.m.

19  
20 **IT IS SO ORDERED.**

21 Dated: \_\_\_\_\_

22 THE HONORABLE MAXINE M. CHESNEY  
23 UNITED STATES DISTRICT JUDGE